THE HONOUABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.6877 of 1995

Between:

G.Raghavaiah and others. **.. PETITIONERS**

AND

The Executive Officer, T.T.D.,

Chittoor.

.. RESPONDENT

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ORDER:

The short question, which arises for consideration in this writ petition, is whether the petitioners herein are required to be re-employed by Tirumala Tirupathi Devasthanams (for short “T.T.D.”) in accordance with Section 25-H of the Industrial Disputes Act (for short “the Act”).

As rightly submitted by Sri Krishna Murthy, learned counsel for the petitioners, unlike Section 25-F of the Act, there is no requirement that an employee should have worked for a minimum of 240 days in the 12 months preceding his termination from service for him to seek the benefit of Section 25-G and 25-H of the Act, and that even if a workman had been engaged for a shorter duration, he would be entitled for the protection under Sections 25-G and 25-H of the Act.

Sri G.Jagadeeswar, learned Standing Counsel for TTD, would submit that the petitioners are not employees of the TTD as they had served the Lord as volunteers. Learned Standing Counsel would contend that having volunteered to work, it is not open to the petitioners to contend that their service as volunteers would bring them within the definition of a “workman” entitling them to seek protection under Sections 25-G and 25-H of the Act.

The questions, whether the petitioners worked as volunteers, whether they were engaged by the TTD, whether TTD is an industry and whether the petitioners herein fall within the definition of “workman” under Section 2-S of the Act, are all disputed questions of fact, to be decided on the basis of evidence by the Industrial Tribunal or Labour Court. Suffice to state that these disputed questions of fact would not, normally, call for interfere of this Court under Article 226 of the Constitution of India.

The writ petition fails and is accordingly dismissed. No order as to costs.

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21-02-2006

Prv